1				
	M. PATRICIA THAYER (SBN 90818)	ROBERT A. VAN NEST (SBN 84065) rvannest@kvn.com ASHOK RAMANI (SBN 200020)		
2	pthayer@sidley.com SIDLEY AUSTIN LLP			
3	555 California Street San Francisco, California 94104	aramani@kvn.com DAN E. JACKSON (SBN 216091)		
4	Telephone: (415) 772-1200 Facsimile: (415) 772-7400	djackson@kvn.com SARAH B. FAULKNER (SBN 263857)		
5	JEFFREY P. KUSHAN (pro hac vice)	sfaulkner@kvn.com KEKER & VAN NEST LLP		
	jkushan@sidley.com SIDLEY AUSTIN LLP	710 Sansome Street		
6	1501 K Street, N.W.	San Francisco, CA 94111-1704 Telephone: (415) 391-5400 Facsimile: (415) 397-7188		
7	Washington, D.C. 20005 Telephone: (202) 736-8000			
8	Facsimile: (202) 736-8711			
9	SAMUEL N. TIU (SBN 216291) stiu@sidley.com			
10	TASHICA T. WILLIAMS (SBN 256449) ttwilliams@sidley.com			
11	SIDLEY AUSTIN LLP 555 West Fifth Street, Suite 4000			
12	Los Angeles, California 90013 Telephone: (213) 896-6000			
13	Facsimile: (213) 896-6600			
14	Attorneys for Plaintiff and Counterclaim Defendant			
15	GENENTECH, INC.			
	UNITED STATES DISTRICT COURT			
16	UNITED STATES	S DISTRICT COURT		
16 17		S DISTRICT COURT RICT OF CALIFORNIA		
	NORTHERN DISTR			
17 18	NORTHERN DISTR	RICT OF CALIFORNIA		
17 18 19	NORTHERN DISTR	RICT OF CALIFORNIA		
17 18 19 20	NORTHERN DISTR	Case No: 5:10-CV-2037-LHK (PSG) FINAL JOINT STIPULATION AND		
17 18 19 20 21	NORTHERN DISTR SAN JOS: GENENTECH, INC.,	E DIVISION Case No: 5:10-CV-2037-LHK (PSG) FINAL JOINT STIPULATION AND ORDER REGARDING (A) COMPLIANCE WITH A PORTION OF		
17 18 19 20 21 22	NORTHERN DISTR SAN JOS GENENTECH, INC., Plaintiff, vs. THE TRUSTEES OF THE UNIVERSITY OF	Case No: 5:10-CV-2037-LHK (PSG) FINAL JOINT STIPULATION AND ORDER REGARDING (A) COMPLIANCE WITH A PORTION OF THE COURT'S NOVEMBER 22 ORDER AND (B) TO MOVE TO RECONSIDER		
17 18 19 20 21 22 23	NORTHERN DISTR SAN JOS GENENTECH, INC., Plaintiff, vs.	E DIVISION Case No: 5:10-CV-2037-LHK (PSG) FINAL JOINT STIPULATION AND ORDER REGARDING (A) COMPLIANCE WITH A PORTION OF THE COURT'S NOVEMBER 22 ORDER AND (B) TO MOVE TO RECONSIDER THE COURT'S ORDER		
17 18 19 20 21 22 23 24	NORTHERN DISTR SAN JOS GENENTECH, INC., Plaintiff, vs. THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, a Pennsylvania non-profit	E DIVISION Case No: 5:10-CV-2037-LHK (PSG) FINAL JOINT STIPULATION AND ORDER REGARDING (A) COMPLIANCE WITH A PORTION OF THE COURT'S NOVEMBER 22 ORDER AND (B) TO MOVE TO RECONSIDER THE COURT'S ORDER Hearing Date: TBD Time: TBD		
17 18 19 20 21 22 23	NORTHERN DISTR SAN JOS GENENTECH, INC., Plaintiff, vs. THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, a Pennsylvania non-profit corporation,	E DIVISION Case No: 5:10-CV-2037-LHK (PSG) FINAL JOINT STIPULATION AND ORDER REGARDING (A) COMPLIANCE WITH A PORTION OF THE COURT'S NOVEMBER 22 ORDER AND (B) TO MOVE TO RECONSIDER THE COURT'S ORDER Hearing Date: TBD		
17 18 19 20 21 22 23 24	NORTHERN DISTR SAN JOS GENENTECH, INC., Plaintiff, vs. THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, a Pennsylvania non-profit corporation,	Case No: 5:10-CV-2037-LHK (PSG) FINAL JOINT STIPULATION AND ORDER REGARDING (A) COMPLIANCE WITH A PORTION OF THE COURT'S NOVEMBER 22 ORDER AND (B) TO MOVE TO RECONSIDER THE COURT'S ORDER Hearing Date: TBD Time: TBD		
17 18 19 20 21 22 23 24 25	NORTHERN DISTR SAN JOS GENENTECH, INC., Plaintiff, vs. THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, a Pennsylvania non-profit corporation,	E DIVISION Case No: 5:10-CV-2037-LHK (PSG) FINAL JOINT STIPULATION AND ORDER REGARDING (A) COMPLIANCE WITH A PORTION OF THE COURT'S NOVEMBER 22 ORDER AND (B) TO MOVE TO RECONSIDER THE COURT'S ORDER Hearing Date: TBD Time: TBD		

WHEREAS on March 1, 2011, plaintiff Genentech, Inc. ("Genentech") and defendant the Trustees of the University of Pennsylvania ("the University") filed a Seventh Joint Stipulation and Proposed Order to Extend the Deadline for Genentech to File Objections to the Court's November 22 Order (Dkt. No. 113) to March 8, 2011; and

WHEREAS the parties wanted the deadline extension to discuss whether there is a way to limit Genentech's production of regulatory materials, other than the BLA Submissions (as that term is used in the Court's November 22 Order), to avoid the production of irrelevant materials; and

WHEREAS, the parties have reached a final resolution concerning these regulatory materials;

THE PARTIES THEREFORE AGREE as follows:

- 1. Genentech will make a rolling production of the materials listed in the regulatory index provided to counsel for the University of Pennsylvania on December 15, 2010, with the production to be completed by March 31, 2011.
- 2. Genentech will produce the records on a hard drive for inspection, with a proper designation under the Protective Order in this action. Genentech will not OCR or Bates label individual documents. The records will be organized and archived in a manner that will permit counsel for the University of Pennsylvania to identify and retrieve the materials listed in the December 15, 2010 index.
- 3. If, after inspection, the University of Pennsylvania determines that it desires to use any of the records in this litigation, counsel will identify such records to counsel for Genentech, who will ensure that they are Bates labeled and promptly will produce them to the University of Pennsylvania in Bates labeled form. No records may be used as evidence by the University of Pennsylvania until they are identified to counsel and receive a Bates label. The University of Pennsylvania, further, will reimburse Genentech for one-half of the actual reasonable cost of having its vendor process all records that must be processed according to this paragraph.

Case 5:10-cv-02037-LHK Document 147 Filed 03/09/11 Page 3 of 4

1	4. Any documents that are protected by attorney client privilege or work product			
2		immunity, but are inadvertently p	roduced during the production process, will be	
3	returned to Genentech immediately upon written notice to counsel for the University			
4		of Pennsylvania that such inadver	tent production has occurred. Return under this	
5		paragraph does not relieve Genen	tech of the obligation to provide a privilege log for	
6		such documents nor limit the University's ability to challenge any privilege assertion		
7		on any ground other than their inadvertent production as part of the process provided		
8		for herein.		
9	5.	This production shall constitute compliance with Document Request No. 36		
10		propounded by the University of	Pennsylvania, subject to any supplementation	
11		required under Federal Rules.		
12	SO STIPULATED:			
13			Respectfully submitted,	
14	Dated: Marc	ch 8, 2011	SIDLEY AUSTIN LLP	
15				
16			By: /s/ Tashica Williams	
17			TASHICA T. WILLIAMS	
18			Attorneys for Plaintiff GENENTECH, INC.	
19	Dated: Marc	ch 8, 2011	IRELL & MANELLA LLP	
20		,		
21				
22			By: /s/ Gary N. Frischling GARY N. FRISCHLING ¹	
23			Attorneys for Defendant THE TRUSTEES OF	
24			THE UNIVERSITY OF PENNSYLVANIA	
25				
26	1 Pursuant to	General Order 15(X) the filer of t	this document hereby attests that concurrence in the	
27	Pursuant to General Order 45(X), the filer of this document hereby attests that concurrence in the filing of the document has been obtained from Gary N. Frischling.			
28	3			
		FINAL STIP. RE CO	OURT'S NOV. 22 ORDER	

CASE NO. 5:10-CV-2037-LHK (PSG)

LA1 2028724V.1

Case 5:10-cv-02037-LHK Document 147 Filed 03/09/11 Page 4 of 4 SO ORDERED. Dated: March 9, 2011 PAUL S. GREWAL United States Magistrate Judge

FINAL STIP. RE COURT'S NOV. 22 ORDER CASE NO. 5:10-CV-2037-LHK (PSG)